

भारत का राजपत्र

The Gazette of India



असाधारण

EXTRAORDINARY

भाग II—संख्या 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 35] नई विल्सनी, बुधवार, सितम्बर 29, 1965/असाधारण 7, 1887

No. 35] NEW DELHI, WEDNESDAY, SEPTEMBER 29, 1965/ASVINA 7, 1887

इस भाग में अलग पृष्ठ संख्या से जाती है जिससे इक पाह असाधारण संकलन के रूप में रखा जा सके।

Separate pagling is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 29th September, 1965/Asvina 7, 1887 (Saka)

THE RAILWAYS (EMPLOYMENT OF MEMBERS OF THE ARMED FORCES) ORDINANCE, 1965

No. 4 OF 1965

Promulgated by the President in the Sixteenth Year of the
Republic of India.

An Ordinance to make certain provisions relating to the
employment of members of the Armed Forces of the
Union in the working and management of railways.

WHEREAS a Bill to make certain provisions relating to the employment
of members of the Armed Forces of the Union in the working
and management of railways has been introduced in Parliament but
has not yet been passed;

AND WHEREAS both Houses of Parliament are not in session and the
President is satisfied that circumstances exist which render it
necessary for him to take immediate action to give effect to the
provisions of the Bill;

Now, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to promul-

gate the following Ordinance :—

Short title,
extent and
commencement.

1. (1) This Ordinance may be called the Railways (Employment of Members of the Armed Forces) Ordinance, 1965.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Interpre-
tation.

2. Words and expressions used in this Ordinance and defined in the Indian Railways Act, 1890, shall have the meanings respectively ⁹ of 1890 assigned to them in that Act.

Employ-
ment of
members
of Armed
Forces of
the Union
to assist a
railway
administra-
tion in
connection
with the
service of
a railway.

3. (1) When any member of the Armed Forces of the Union is employed to assist a railway administration in connection with the service of a railway, then, whether such employment was before or is after the commencement of this Ordinance,—

(a) any provision of the Indian Railways Act, 1890, or of the ⁹ of 1890 rules made thereunder, which confers a power, status or immunity, or imposes a duty or liability, upon a railway servant, in connection with the working, use, management and maintenance of railways, shall be construed as conferring the same power, status or immunity or imposing the same duty or liability, as the case may be, upon such member of the Armed Forces of the Union when so employed ;

(b) the employment of a member of the Armed Forces of the Union, in addition to or in the place of any railway servant, shall not affect any liability that would have attached to the railway administration had such member been a railway servant.

(2) Nothing in sub-section (1) shall be construed as making applicable to the members of the Armed Forces of the Union employed to assist a railway administration the provisions of Chapter VIA of the Indian Railways Act, 1890, or as derogating from any ⁹ of 1890 provision of a law regulating the governance, control and discipline of the members of the Armed Forces of the Union.

Employ-
ment of
members
of Armed
Forces of
the Union
to replace
railway
adminis-
tration in
working a
railway.

4. If at any time the whole of the working, management and maintenance of a railway, or of a specific portion or section of a railway, is assumed by the Armed Forces of the Union, the Central Government may notify the fact of such assumption in the Official Gazette, and thereupon, so long as such assumption continues, the Indian Railways Act, 1890, shall cease to be applicable to the Railway ⁹ of 1890, or the portion or section of a Railway concerned.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.